

1900-032

Lee Co.

Chancery Causes: Josh E. Morely vs. Henly Brooks &c

Levarton, Bailey, Morley, Fulkerson, Wynn

VS. JASPER

CA-Estate Dispute

T-Vices



to the Honorable W.T. Miller Judge of the Circuit Court  
of Lee County Va.

*Your orator* *Josh. E. Morely*  
Humbly complaining, sheweth unto your honor, that your orator  
father, George Morely, was in his lifetime seized and possesse  
of certain real estate, lying in the County of Lee, consisting  
of two tracts, one of which contains  $36\frac{1}{2}$  acres, and is bounde  
by the lands of Wm. Morely, S. E. Thompson, and R. B. Ely, the other  
tract consists of  $78\frac{1}{2}$  acres, and is bounded by the lands of  
Frank Gibson, Wm. Morely, and others, and being so thereof  
seized and possessed, sometime in the year 188 , departed this  
*life*  
intestate, leaving your orator, Lewis Morely, John E. Morely,  
Martha Levarton nee Morely, Lizzie *Baily*. nee Morely, Blair  
Morely, Nattie G. Morely and the infant children of Mary Brooks  
dec. nee Morely, which are Lizzie, William, Archie, Alice, Milton,  
and Mollie Brooks, his only children and heirs at law. That  
said Blair Morely Nattie Morely, and the children of Mary  
Brooks dec. are infants under the age of twenty one years.  
And your orator further states that the said real estate is,  
as he believes, susceptible of partition amongst the parties  
entitled thereto; but your orator would further state that  
Lizzie Baily and your orator have purchased the undivided in-  
terests of Lewis Morely, John E. Morely, and Martha Levarton in  
said land at the price of \$100.00, each, and your *orator* alleges that  
it will be greatly to the interest of the infants, for their  
interest to be sold and the money put to interest, and your o  
rator would state that he is willing that the infants  
interest be allotted to him or be sold, and your *orator* binds him-  
self to pay them \$100. each, for the three interests to wit:  
Blair Morely, \$100. Nattie Morely \$100. and the six infant  
children of Mary Brooks dec. \$100. exclusive of their proportions  
part of the costs of this suit. In tender consideration whereof  
and forasmuch as your orator is remediless in the premises



save by the aid of a Court of equity, where matters <sup>of</sup> this kind  
are cognizable, your orator prays that the said Lewis Morely  
John E. Morely, Martha Levarton and her husband G.W. Levarton  
Lizzie Bailey and her husband Smith Baily, Henly Brooks hus-  
band of Mary Brooks dec. Blair Morely, Nattie Morely, Lizzie  
Brooks, Wm. Brooks, Arch Brooks, Alice Brooks, Milton Brooks,  
and Mollie Brooks be made parties defendants to this bill and  
answer the same, but not on oath that being waived, that a  
proper guardian, ad litem, be assigned the infant defendants  
to defend their interests in this suit; that the said real  
estate be divided between the parties aforementioned  
entitled thereto, and your orator's portion thereof allowed  
to him; and in case the said real estate be indivisible, that  
the same be exposed to sale, especially the interests of  
the infants, and the proceeds thereof be distributed among  
the parties entitled thereto; that proper process may issue  
and that such other further and general relief may be  
afforded your orator as the nature of his case may require.  
or to equity shall seem meet. And your orator will ever  
pray, etc.

M. G. Ely p. 9.



Plffs Costs  
 Clerk 7.54  
 Tax 1.50  
 Chff 1.50  
 atty 18.00  
 Printer 5.00  
 G. A. & 5.00  
 Estimated 5.00  
 \$41.74  
 17.00

58.82  
 1.6  
 22.82  
 2.5  
 17.82

341.74

Josh. E. Morely

341.74

17.00

341.74

58.82

282.92

141.46

94.30

Josh. E. Morely  
 vs. E. Billie Chaucery

Henry Brooks et al

1897 1st Oct rules Spu 4d  
 on adult home debts  
 + Det O P as to subser-  
 ident  
 " 2nd Oct rules Det Coufd  
 + O. P. Complete Cause  
 Set for hearing

1897 Nov term Court

1898 March Term Court

" June " "

" Nov " "

1899 March " "

" June " "

" Nov " "

1900 March Term Decree

final Order Book

No 6 Page 363



Virginia:

Circuit Court, for Lee County:  
To the Hon. W. T. Miller, Judge of  
The said Court:-

The joint and separate answer  
of Blair Morely, Nattie Morely, Lizzie  
Brooks, William Brooks, Archie  
Brooks, Alice Brooks, Milton Brooks  
and Mollie Brooks, infants under  
the age of twenty-one years, by L.  
L. Hyatt, Their Guardian ad litem,  
assigned to defend them in this  
suit, to a bill of complaint exhibited  
against them and others, in the said  
Court, by Josh. E. Morely:

Respondents, reserving to them-  
selves the benefit of all just ex-  
ceptions to the said bill, for an-  
swer thereto, or to so much thereof as  
they are advised that it is material they  
should answer, by their said guardian  
ad litem, answer and say:

That they are infants of tender  
years, and by reason of their infancy,  
are incapable of understanding, or of  
taking care of their rights and interests.  
They, therefore, by their said guardian,  
commend themselves and their rights  
and interests to the protection of the



Court, and pray that no decree may be pronounced which will tend to their prejudice.

And having fully answered, the said respondents pray to be hence dismissed with their reasonable costs in this behalf expended, and they will ever pray &c.

L. T. Hyatt, Guardian ad litem  
for Blair Morely, Nattie  
Morely, Lizzie Brooks, Wil-  
liam Brooks, Archie  
Brooks, Alice Brooks,  
Milton Brooks and  
Mollie Brooks.

Virginia:

County of Lee, to wit:

This day personally appeared be-  
fore me, A. B. Munsey, Clerk of the Cir-  
cuit Court for said County of Lee, in  
the State of Virginia, L. T. Hyatt, guar-  
dian ad litem for Blair Morely,  
Nattie Morely, Lizzie Brooks, Wil-  
liam Brooks, Archie Brooks, Alice  
Brooks, Milton Brooks and Mollie  
Brooks, whose answer is above writ-  
ten, and made oath that the statements  
contained in the said answer, so far



as made of his own knowledge are true;  
and so far as made from knowledge  
or information derived from others, he  
believes to be true.

Given under my hand this 21<sup>st</sup> day  
October, in the year eighteen hundred  
and, ninty - seven.

A B Munsey Clerk



Josh. E. Morely

vs  $\frac{3}{2}$  In Chy.

Heuly Brooks et al

Answer of infant de-  
fendants, by L. T. Hyatt,  
their guardian ad li-  
tem.

Filed Oct 21st 1897  
ATB Munsey clk

G. A. L. Fee \$5.00

Wm  
H. M.



Josh. E. Morely Off-  
against & in Chancery  
Henry Brooks et al. Defts.

This cause came on this day to be heard  
upon the papers formerly read in the cause, the  
report of commissioner M. G. Ely, and was  
argued by counsel

On consideration of which said report is  
approved and confirmed, and it appearing from  
said report that the purchaser Josh. E. Morely  
is entitled to a deed, to the lands purchased by  
him in this cause, M. G. Ely is hereby appointed  
a commissioner for that purpose, who will  
execute to the purchaser a deed with covenants  
of ~~and~~ special warranty, and said deed  
having been made and filed in  
said cause, and been inspected by the  
court is approved and confirmed, and  
it is further ordered and decreed, that the  
purchaser, Josh. E. Morely pay to M. G. Ely  
commissioner the sum of \$5<sup>00</sup> for executing  
said deed, and he may withdraw the same  
for recordation, and the cause is stricken  
from the docket,



Josh. E. Mouly Off-  
no. 48 Decree Final  
Henry Brooks et al

Entered on Chy O.B.  
No 6 Page 363

Enter This

Hawthorn

March 13<sup>th</sup> 1905 -



Summit Co. Dec. County Va.

Josh. E. Morely Plff.

vs. E. E. De Chancery

Henry Brooks et al. Defts.

This cause came on this day to be heard upon the papers formerly read in the cause. The report of sale by commissioner M. G. Ely, and was argued by counsel,

On consideration of which, it appearing that said report, had been filed more than ten days, and being unexcepted to, it is adjudged ordered and decreed that said sale and report be and are hereby confirmed, That said commissioner discharge the costs in his hands, to those entitled thereto, and proceed to collect the purchase money as it becomes due, And the cause is continued,



Josh. E. Morely Refd

us. & Deane no-2

Henry Brooks et al Refd

Exc. C. D. No 6 p 101

Enter This

Mr. J. A.

June 8th 1898



Josh E. Morely Plff.  
against ~~EE~~ In Chancery -  
Healy Brooks et als - Defts.

This cause came on this day to be heard upon the Bill of complainant, the answer of the infant defendants by T. J. Wyatt their guardian ad litem, depositions of witnesses, and order of publication duly, posted and published against the non-resident defendants, and was argued by Counsel -

On consideration of which it is adjudged, ordered and decreed, that M. G. Ely, who is hereby appointed a commissioner for the purpose, do sell at public auction to the highest bidder the lands owned by the infant defendants in this cause, he will sell at the front door of the court house, after having advertised the same for 30 days by written notices posted in the vicinity of said land, and at the front door of the court house of the County,

Said commissioner will start the sale at the sum of \$100, for each share of the infants interest exclusive of the costs of this suit, <sup>at Josh E. Morely's bid</sup> the sale shall be on a credit of one and two years except costs <sup>and commissions of sale</sup> of suit, which shall be paid down, and for the deferred payments said commissioner shall take bonds with good security, but before performing the duties required of him under this decree he will execute bond before the clerk of this court

in the sum of \$100, Conditional according to law - and report his action hereunto the next term of this court, and the cause is continued,



Josh E. Morely.

no. 11

Henry Brooks et al

Eu. C. O. B. No. 6. p. 46.

—H—

Enter this

1/11

Nov 5th 1898



Virginia

At a circuit court continued and held for Lee County at the Court house thereof on Friday the 5th day of Nov. 1897.

Josh E. Moore

Plff

vs  
Becky Brooks et al Deft

In Chancery

This cause came on this day to be heard upon the bill of the complainant the answer of the infant defendants by L. F. Hyatt, their guardian ad litem, depositions of witnesses, and order of Publication duly posted and published against the non-resident defendants, and was argued by counsel. On consideration of which it is adjudged ordered and decreed that Mr. G. Ely who is hereby appointed a commissioner for the purpose do sell at public auction to the highest bidder the lands owned by the infant defendants in this cause. He will sell at the front door of the Court house, after having advertised the same for 30 days by written notices posted in the vicinity of said land and at the front door of the Court house of Lee County. Said commissioner



will start the sale at the sum of one hundred dollars for each share of the infants interest, exclusive of the costs of this suit at Josh Morely's bid. the sale shall be on a credit of one and two years except costs of suit. and commissions of sale, which shall be paid down, and for the deferred payments said commissioner shall take bonds with good security, but before performing the duties required of him under this decree he will execute bond before the clerk of this court in the sum of \$400.00 conditioned according to law. and report his action hereunder to the next term of this court. And the cause is continued.

A Copy

Teste: C. B. Munsey Clerk!



(1 Copy)

Virginia

At a circuit Court continued and held for Lee County at the Court-house thereof on Friday the 5<sup>th</sup> day of November 1897.

Josh E Morely. Plaintiff

vs

Henry Brooks et al Defendants

} In Chancery

This Cause came on this day to be heard upon the bill of the Complainant, the answer of the infant defendants by L. T. Hyatt, their Guardian ad litem, depositions of witnesses, and order of Publication duly posted and published against the non-resident defendants, and was argued by Counsel. On consideration of which it is adjudged ordered and decreed that M. S. Ely who is hereby appointed a Commissioner for the purpose do sell at public auction to the highest bidder the lands owned by the infant defendants in this Cause, he will sell at the front door of the Court-house, after having advertised the same for 30 days by written notices posted in the vicinity of said land and at the front door of the Court-house of Lee County. Said Commissioner will start the sale



at the sum of one hundred dollars  
for each share of the infants interest, ex-  
clusive of the costs of this suit at Josh  
Morely's bid, the sale shall be on a cred-  
it of one and two years except costs of  
suit, and commissions of sale, which  
shall be paid down, and for the deferred  
payments said Commissioner shall take  
bonds with good security, but before  
performing the duties required of him  
under this decree he will execute bond  
before the Clerk of this Court in the sum  
of \$400.00, conditioned according to law,  
and report his action hereunder to the  
next term of this Court, and the cause  
is continued.

A Copy

Teste: A. B. Munsey Clerk

Josh E. Morley

A Copy of Decree

Merely Brooks et al

E. & S. entered Nov-29<sup>th</sup> 1897

By delivering an attested

office copy of the within

Decree to J. E. & J. in

Lee County Va.

W. P. Weston S. S. C.

Copy for Mr. W. E. Ely

Clerk 75<sup>cts</sup>



To Lewis Morely, John E. Morely, Martha Levarton, G. W. Loverton, Lizzie Bailey, Smith Bailey, Henry Brooks, Blair Morely, Mattie Morely, Lizzie Brooks, William Brooks, Arch Brooks, Alice Brooks, Milton Brooks and Mollie Brooks:

You will please take notice that on the 29th day of October 1897, at the law office of M. G. Ely, in Lee County, Virginia, I will proceed to take the depositions of myself and others, which depositions, when taken, are intended to be read as evidence in my behalf in a certain suit in chancery pending in the Circuit Court for said County, wherein I am plaintiff and you are defendants.

Josh Morely.

I accept legal service of the above notice.

E. L. Hyatt, Guardian ad litem for  
Blair Morely, Mattie Morely, Lizzie  
Brooks, William Brooks, Arch Brooks, Alice  
Brooks, Milton Brooks and Mollie Brooks.



The depositions of Josh Morely and others, taken, pursuant to notice hereto annexed, before me, A.J. Myers, a justice of the peace for Lee County, Virginia, at the Law Office of M.G. Ely, in said County, to be read as evidence in behalf of the plaintiff in a certain suit in chancery, pending in the Circuit Court for Lee County, wherein the said Josh Morely is plaintiff and Henly Broo and others are defendants.

Present: M.G. Ely, Attorney for the plaintiff, and the plaintiff in person.

L.T. Hyatt, Guardian ad litem for Blair Morely, Mattie Morely, Lizzie Brooks, William Brooks, Arch Brooks, Alice Brooks, and Mollie Brooks.

The witness, Josh Brooks, being first duly sworn, deposes and says:

First question for plaintiff.--State your age, residence, and occupation.

Answer.--I am twenty-seven years of age, reside at ~~Raze~~ Ewing, Va., and am a farmer.

Second question for same.--State whether or not you are acquainted with the real estate of which George Morely died seized and possessed?

Answer.--I am.

Third question for same.--Please state, in your opinion, what is a fair cash value of said entire real estate?

Answer.--\$800.00.

Fourth question for same.--What interest do you now own in said land, and what interests do Lizzie and Smith Bailey own in said land?

Answer.--I own one-eighth. Lizzie Bailey owns one-eighth in her own right, and she and her husband, Smith Bailey, have purchased, and own jointly three-eighths. They have purchased the interests of Lewis Morely, John



E. Morely and Martha Levarton, at the price of \$100.00 each.

Fifth question for same.--State whether or not, in your opinion, one hundred dollars is a fair cash value of a one-eighth interest in said land?

Answer.--I believe it is, yes.

Sixth question for same.--State whether or not, in your opinion, the interests of the infant owners will be promoted by a sale of their interests in said land? And if so, state your reasons therefor.

Answer.--I would think so. If the land were divided there would be only some 15 or 16 acres to each share, and it would cost more to keep that share up than the proceeds would be.

Question 7 for same.--Please state what you propose to do in the event the infants interests are decreed to be sold?

Answer.--I will give one dollars per share, in cash, for said interests, or if they are laid off and assigned to me without a sale, I will pay them that much, exclusive of their proportional part of the costs of this suit.

Eighth question for same.--If their interests are sold without a decree for partition will it be necessary for commissioners to be appointed to make a partition between you, if you should get their interest, and Lizzie and Smith Bailey.

Answer.--I think we could partition among ourselves in that event.

Cross-Examination.

First question by G.A.L.--What relation are you to the infant defendants?

Answer.--I am brother of two of them and uncle of the others.



Third question by same.--State whether or not, in your opinion, the interests of the infant owners would be promoted by a sale of their shares and an investment of the proceeds, or will it be more to their interests to have their shares allotted or assigned them.

Answer.--I think it would be greatly to their interest to have their interests sold. If the lands were divided the interests would be small, and it would cost almost as much as they are worth to fence them. Then I do not think the land could be divided into eight parts so as to make them all convenient to wood and water. In other words I think it would be impracticable for the land to be partitioned into eight parts, or divided into one-eighth shares.

Fourth question by same.--What do you consider a fair cash value for one eighth interest in said tracts of land?

Answer.--I should think that one hundred dollars would be a big price, I would not give that.

Cross-Examined.

First question by guardian ad litem.--Are you in any way interested in these lands or the sale of them?

Answer.--Not in the least.

Second question by same.--What do consider said two tracts of land would rent for per annum in cash?

Answer.--I think \$40.00 \$45.00 would be a good price

Third question by same.--If said lands were partitioned into eighths, what would be the fair cash rental value of one of them, in your opinion?

Answer.--\$4.00 or \$5.00. It would largely be fence-rows.

And further this deponent saith not.

W. C. Sullivan



W.E.Wynn, another witness of lawful age being first duly sworn, deposes as follows:

First question for plaintiff.--State your age, residence and occupation.

Answer.--I am fifty-seven years of age, reside at Ewing, Va., and am Treasurer of Lee County and a farmer.

Second question for same.--State whether or not you are acquainted with the real estate of which George Morely died seized and possessed?

Answer.--I am.

Third question for same.--State whether or not, in your opinion, the interests of the infant owners, will be promoted by a sale of the same and an investment of the proceeds. Or would it be most to their interest to have their parts assigned and allotted to them?

Answer.--I think their interests would be promoted by a sale if the proceeds are properly used and applied. I think where infants own small interests in land, as in this case, it is better for them for it to be sold, because the interest on the money does them more good than the rents and profits of the land, as the land usually goes down and depreciates in value.

Fourth question for same.--What do you consider a fair cash value for the entire estate?

Answer.--\$1000.00.

Fifth question for same.--What would a one-eighth interest in said land be worth if the land were divided into eight parts?

Answer.--I would not consider it worth over \$100.00.

Cross-examined

First question by Guardian ad litem.--What is the fair cash ~~xxxxxxx~~ rental value per annum of said land?

Answer.--I should think that \$50.00 would be a good price for the whole of it.



And further this witness saith not.

*A. J. Myers*

Virginia, Lee County, to wit:

I, A.J. Myers, a Justice of the Peace in and for the County and State aforesaid, do certify that the foregoing donations were duly taken, subscribed, and sworn to before me, at the time and place and for the purposes in the caption mentioned.

Given under my hand this the 28th day of Oct. 1897.

*A. J. Myers, J. P.*



John Morely -

15.  $\frac{3}{2}$  Depos.

Henry Brooks et als.

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— H —

Costs:

J.P. \$1.00 paid

by peff.



To the Honorable W.T. Miller Judge of the Circuit Court  
of Lee County, Virginia:

Your undersigned Commissioner, begs to report that pursuant  
to a decree entered in the Chancery Cause of Josh E. Morely  
against Henry Brooks and others pending in the Circuit Court  
of Lee County, and pronounced on the 5th day of November 1897  
I proceeded on the 20th day of December 1897, at the front  
door of the Court House of Lee County, after having first  
advertised the same for 30 days according to the decree,  
sold the lands in the bill mentioned to the highest and best  
bidder, starting the sale at Josh Morely's bid, which was  
\$341.74 and after crying the same for some time I knocked  
it down to Josh E. Morely at the sum of \$341.74. who became  
the purchaser. Mr. Morely the purchaser paid your Commissioner  
the costs and commissions amounting to \$58.82, and for the  
residue executed his two several bonds of ~~\$44~~\$141.46, each  
due respectfully in one and two years from date bearing  
interest from date, with Smith Baily as surety, which your Com.  
deems good.

Respectfully Submitted,

M. G. Ely

Special Commissioner

$$\begin{array}{r} 141.46 \\ 8.46 \\ \hline 149.92 \text{ due Dec 20 1898} \\ 9.60 \text{ " " 20 1899} \\ \hline 138.92 \end{array}$$

$$\begin{array}{r} 31149.42 \text{ (49.97 due Dec. 21 98 sold)} \\ 12 \\ \hline 29 \\ 27 \\ \hline 22 \\ 22 \\ \hline 21 \end{array}$$

$$\begin{array}{r} 31158.42 \text{ (52.97 due Dec 20 99)} \\ 15 \\ \hline 8 \\ 24 \\ 27 \\ \hline 22 \end{array}$$



Josh. E. Mowley -  
vs. E. Report of sale  
vs. E. E. Cam. M. & Ely  
Dwight Brooks & als -

Filed January 27<sup>th</sup> 1878  
A. B. Munsey



To the Honorable H. A. W. Sherman, Judge of the  
circuit court of Lee County Va.

Your undersigned commissioner in the  
chancery cause of Josh E. Morely vs  
Henry Brooks and others, reports that the  
purchaser Josh. E. Morely, of lands of the infants  
in said cause, has paid to your Commissioner  
the purchase money in full, and said purchaser  
is entitled to a deed, Your Commissioner  
has paid said purchase to the Guardian of  
said infants, and has his receipts for the  
same,

Respectfully Submitted.

M. G. Ely Commissioner



Josh C. Morely Off  
no. & Report of Comm.  
& M. 4. Ely

Henry Brooks et al -

Filed March 13<sup>th</sup> 1900

A B Munsey Clerk



# The Commonwealth of Virginia,

To the Sheriff of the County of Lee Greeting:

We command you to summon *Henry Brooks Lewis Morely John E*

*Morely Martha Levarton G W Levarton Lizzie Bailey Smith Bailey Blair*  
*Morely Nattie Morely Lizzie Brooks Wm Brooks Arch Brooks Alice Brooks*  
*Milton Brooks & Mallie Brooks, the last eight are infants.*

to appear at the Clerk's office of our Circuit Court of the County of Lee at the court-house thereof. at the

Rules to be holden for said court, on the *1st* Monday in *October* 189*7*, to answer

a bill in Chancery, exhibited against *them* in our court by *Josh E*

*Morely*

. And have then there this writ.

Witness, A B. MUNSEY. Clerk of our said court at the court-house, the

*9th* day of

*September*

189*7*

, and in the 122<sup>*nd*</sup> year of the Commonwealth.

*A B Munsey* Clerk.

A copy—Teste:

Clerk,



Josh E Morely

vs. { SUBPOENA  
IN CHANCERY.

909  
180  
789

Henry Brooks et al

M H Ely P. Q.

TO 1st Oct Rul s. 1897

CIRCUIT COURT

Excluded in part  
September the 24. 97

By delivering An  
affidavit of the  
Wife in To

Blair Marley and  
Nattie Morely

N S Jennings JS  
for Wm S Miller SBC



In the Clerk's Office of the Chancery Court of the County of  
Lee

Josh E. Morely

Plaintiff

against

Herly Brooks et al

Defendant

This day

M. G. Ely

personally appeared

before me

A. B. Munsey

Clerk of the said Court,

and being duly sworn, made oath that

Lizzie Bailey Smith Bailey  
Herly Brooks, Martha Levayton, W. H. Levayton, Lizzie  
Morely and John E. Morely

defendant & in the said suit are not resident & of the State of Virginia,

Given under my hand has Clerk of the said Court, this

21st day of September

A B Munsey Clerk

1897



Josh E Morley

vs.

{ AFFIDAVIT FOR ORDER  
OF  
PUBLICATION.

Henry Brookstals

M G Ely p. q.



VIRGINIA:--In the Clerk's Office of the Circuit Court of the County of Lee  
on the 21<sup>st</sup> day of September 1897.

Against

Josh E Morely

Plaintiff

Henly Brooks et al

Defendant &

In Chancery

The object of this suit is to partition or sell the lands described  
in the bill

And an affidavit having been made and filed that the defendant

Barley, Henly Brooks, Martha Levarton, & M  
Levarton, Lewis Morely, and John E. Morely

are not resident & of the State of Virginia, it is ordered that they do appear here within fifteen days  
after due publication hereof, and do what may be necessary to protect their interest in this suit. And it is further  
ordered that a copy hereof be published once a week for four weeks in the South West Virginian  
and that a copy be posted at the front door of the court-house of this county on the first day of the next term of the  
county court.

A copy—Teste:

M. G. Ely

P. O.

A. B. Munsey Clerk.



Josh E Morely

AGAINST }

ORDER  
OF  
PUBLICATION.

Henry Brooks et al  
M. G. Ely

P. Q.

I A. B. Munsey Clerk  
of the Circuit Court of Lee  
County Va. do hereby cer-  
tify that I posted a copy  
of the within at the front  
door of the Court Court  
house of Lee Co. on the 1st  
October term of the County  
Court of Lee County Va.  
Given under my hand  
this the 19th day of Oct 1887  
A. B. Munsey Clerk



# The Commonwealth of Virginia,

To the Sheriff of the County of Lee Greeting:

We command you to summon Henry Brooks, Lewis Morely, John E. Morely,  
Martha Levarton, G. W. Levarton, Lizzie Bailey, Smith Bailey, Blair  
Morely, Nattie Morely, Lizzie Brooks, Ann Brooks, Arch Brooks, Alice  
Brooks, Milton Brooks, & Mollie Brooks, the last eight are infants  
to appear at the Clerk's office of our Circuit Court of the County of Lee at the court-house thereof, at the  
Rules to be holden for said court, on the 1st Monday in October 1897, to answer  
a bill in Chancery, exhibited against them in our court by Josh  
E. Morely

And have then there this writ.

Witness, A B. MUNSEY, Clerk of our said court at the court-house, the 9th day of  
September 1897, and in the 12<sup>2nd</sup> year of the Commonwealth.

A copy—Teste:

A B. Munsey Clerk.  
A B. Munsey Clerk.



SUBPENA  
vs. { IN CHANCERY.

P. Q.

TO ..... Rul -.

CIRCUIT COURT

*not return found*  
*this order the 4:77*  
*N S Jennings D S per*  
*W B Miller S G C*



# The Commonwealth of Virginia,

To the Sheriff of the County of Lee Greeting:

We command you to summon *Henry Brooks, Lewis Brooks, John E.*

*Morely, Martha Levarton, G. W. Levarton, Lizzie Bailey, Smith Bailey, Blain*

*Morely, Nattie Morely, Lizzie Brooks, Mrs. Brooks, Arch Brooks, Alice Brooks*

*Milton Brooks & Mollie Brooks, the last eight are infants*

to appear at the Clerk's office of our Circuit Court of the County of Lee at the court-house thereof, at the

Rules to be holden for said court, on the *15th* Monday in *October*, 189*7*, to answer

a bill in Chancery, exhibited against *them* in our court by *Josh E.*

*Morely*

And have then there this writ.

Witness, A. B. MUNSEY, Clerk of our said court, at the court-house, the *9th* day of

*September* 189*7*, and in the 12<sup>*th*</sup> year of the Commonwealth.

A copy—Teste:

*A. B. Munsey*, Clerk.

*A. B. Munsey*, Clerk.



VS. { SUBPCENA  
IN CHANCERY.

P. Q.

TO \_\_\_\_\_ Rul 8.

CIRCUIT COURT

sent & color not found  
this October 4 99  
N. S. Jennings 258  
per copy P. 11 Oct 25 99



# The Commonwealth of Virginia,

To the Sheriff of the County of Lee Greeting:

We command you to summon

Herley Brooks Lewis Morely, John E  
Morely, Martha Levarton, G. W. Levarton, Lizzie Bailey, Smith Bailey, Blair  
Morely, Nattie Morely, Lizzie Brooks, Wm Brooks, Arch Brooks, Alice Brooks  
Milton Brooks & Mollie Brooks. the last eight are infants

to appear at the Clerk's office of our Circuit Court of the County of Lee at the court-house thereof, at the

Rules to be holden for said court, on the 1st Monday in October 1897, to answer

a bill in Chancery, exhibited against them in our court by Josh E

Morely

Josh E

And have then there this writ.

Witness, A. B. MUNSEY, Clerk of our said court, at the court-house, the 9th day of

September

1897

, and in the 12<sup>2nd</sup> year of the Commonwealth.

A copy—Teste:

A. B. Munsey Clerk.

A. B. Munsey Clerk.



P. Q.

TO \_\_\_\_\_ Rul s.

CIRCUIT COURT

may. Received into office  
this October the 4. 98  
N<sup>o</sup> 9 morning 288  
Sp. of Water 54



Southwest Virginian, {  
Jonesville, Va. }

# The Commonwealth of Virginia,

To the Sheriff of the County of Lee Greeting:

We command you to summon *Herily Brooks, Lewis Morely, John E*

*Morely, Martha Levarton, G W Levarton, Lizzie Bailey, Smith Bailey, Blair*  
*Morely, Nattie Morely, Lizzie Brooks, Wm Brooks, Arch Brooks, Alice Brooks*  
*Milton Brooks, & Mollie Brooks, the last eight are infants.*

to appear at the Clerk's office of our Circuit Court of the County of Lee at the court-house thereof, at the  
Rules to be holden for said court, on the 1st Monday in October 1897, to answer

a bill in Chancery, exhibited against them in our court by Josh E

Morely

And have then there this writ.

Witness, A B. MUNSEY, Clerk of our said court, at the court-house, the 9th day of

September 1897, and in the 12<sup>2nd</sup> year of the Commonwealth.

A B Munsey Clerk.

A copy—Teste:

A B Munsey Clerk.



vs. { SUBPENA  
IN CHANCERY.

P. Q.

TO ..... Rul s.

CIRCUIT COURT

*Not, Executor. May 1897*

*Subs. No 4. 97*

*NS joining SS. 1897*

*for P. Q. 1896*



# The Commonwealth of Virginia,

To the Sheriff of the County of Lee Greeting:

We command you to summon Henry Brooks, Lewis Morely, John  
Morely, Martha Levarton, H. M. Levarton, Sizzie Bailey, Smith Bailey, Blair  
Morely, Nattie Morely, Lizzie Brooks, Wm Brooks, Arch Brooks, Alice Brooks,  
Milton Brooks, & Mollie Brooks, the last eight are infants

to appear at the Clerk's office of our Circuit Court of the County of Lee at the court-house thereof, at the

Rules to be holden for said court, on the 1st Monday in October, 1897, to answer

a bill in Chancery, exhibited against them in our court by Josh E

Morely

Josh E

And have then there this writ.

Witness, A. B. MUNSEY, Clerk of our said court at the court-house, the 9th day of

September 1897, and in the 22nd year of the Commonwealth.

A copy—Teste:

A. B. Munsey Clerk.

A. B. Munsey Clerk.

vs. { SUBPCENA  
IN CHANCERY.

P. Q.

TO \_\_\_\_\_ Rul s.

CIRCUIT COURT

*Not Executed not  
found there either  
the 19th  
N. S. Jennings, SS for  
off. P. M. H. S. S.*



# The Commonwealth of Virginia,

To the Sheriff of the County of Lee Greeting:

We command you to summon Henry Brooks, Lewis Morely, John E. Morely,  
Martha Levarton, G. W. Levarton, Lizzie Bailey, Smith Bailey, Blair Morely,  
Nattie Morely, Lizzie Brooks, Mrs. Brooks, Orah Brooks, Alice Brooks,  
Milton Brooks, & Mellie Brooks. the last eight are infants  
to appear at the Clerk's office of our Circuit Court of the County of Lee at the court-house thereof, at the  
Rules to be holden for said court, on the 1st Monday in October 1897 to answer  
a bill in Chancery, exhibited against them in our court by Josh E.  
Morely

And have then there this writ.

Witness, A. B. MUNSEY, Clerk of our said court, at the court-house, the 9th day of  
September 1897, and in the 12<sup>th</sup> year of the Commonwealth.

A copy—Teste:

A B Munsey Clerk.  
A B Munsey Clerk.

vs. { SUBPCENA  
IN CHANCERY.

P. Q.

TO \_\_\_\_\_ Ruls.

CIRCUIT COURT

Not. & Subpoena not found  
this October 4. 99  
N.S. Jennings, \$8  
for J. P. & Helen 996



# The Commonwealth of Virginia,

To the Sheriff of the County of Lee Greeting:

We command you to summon Henry Brooks, Lewis Morely, John E. Morely, Martha Levarton, H. W. Levarton, Lizzie Bailey, Smith Bailey, Blair Morely, Nattie Morely, Lizzie Brooks, Wm Brooks, Arch Brooks, Alice Brooks, Milton Brooks, & Mollie Brooks, the last eight are infants to appear at the Clerk's office of our Circuit Court of the County of Lee at the court-house thereof, at the Rules to be holden for said court, on the 1st Monday in October, 1897, to answer a bill in Chancery, exhibited against them in our court by Josh E. Morely

And have then there this writ.

Witness, A. B. MUNSEY, Clerk of our said court, at the court-house, the 9th day of September, 1897, and in the 122nd year of the Commonwealth.

A copy—Teste:

A B Munsey Clerk.

A B Munsey Clerk.

SUBPENA  
vs. {  
IN CHANCERY.

P. Q.

TO \_\_\_\_\_ Rul s.

CIRCUIT COURT

*not exhibit not  
Lamm No. 21  
No. 114-888  
No. 114-888  
No. 114-888  
No. 114-888*



# The Commonwealth of Virginia,

To the Sheriff of the County of Lee Greeting:

We command you to summon Henry Brooks, Lewis Morely, John E. Morely,  
Matha Levarton, J. M. Levarton, Lizzie Bailey, Smith Bailey, Blair Morely,  
Nattie Morely, Lizzie Brooks, Wm. Brooks, Arch Brooks, Alice Brooks,  
Milton Brooks, Mollie Brooks. The last eight are infants  
to appear at the Clerk's office of our Circuit Court of the County of Lee at the court-house thereof. at the  
Rules to be holden for said court, on the 1st Monday in October 1897, to answer  
a bill in Chancery, exhibited against them in our court by Josh E.  
Morely

And have then there this writ.

Witness, A B. MUNSEY. Clerk of our said court at the court-house, the 9th day of  
September 1897, and in the 12<sup>th</sup> year of the Commonwealth.

A copy—Teste:

A B Munsey Clerk.  
A B Munsey Clerk.

vs. { SUBPCENA  
IN CHANCERY.

P. Q.

TO \_\_\_\_\_ Rul \_\_\_\_\_

CIRCUIT COURT  
Met. & Litch. Dist. Land  
Mar. 22<sup>nd</sup> 1897  
V.S. Jennings & Co.  
Ex. Min. Wm. 336



Southwest Virginian, }  
Jonesville, Va. }

# The Commonwealth of Virginia,

To the Sheriff of the County of Lee Greeting:

We command you to summon Henry Brooks, Lewis Morely, John E  
Morely, Martha Levarton, H. W. Levarton, Lizzie Bailey, Smith Bailey, Blair  
Morely, Nattie Morely, Lizzie Brooks, Wm Brooks, Arch Brook, Alice Brooks  
Milton Brooks, & Mollie Brooks, the last eight are infants  
to appear at the Clerk's office of our Circuit Court of the County of Lee at the court-house thereof, at the  
Rules to be holden for said court, on the 1st Monday in October, 1897, to answer  
a bill in Chancery, exhibited against them in our court by Josh E  
Morely.

And have then there this writ.

Witness, A B. MUNSEY, Clerk of our said court, at the court-house, the 9th day of

September 1897, and in the 12<sup>2nd</sup> year of the Commonwealth.

A copy—Teste:

A B Munsey Clerk.

A B Munsey Clerk.

vs. { SUBPENA  
IN CHANCERY.

P. Q.

TO \_\_\_\_\_ Ruls.

CIRCUIT COURT

not dated & not signed  
this October 4-97  
V S Jennings \$8  
for Mr. P. Cullen \$96



Southwest Virginian, }  
Jonesville, Va. }

# The Commonwealth of Virginia,

To the Sheriff of the County of Lee Greeting:

We command you to summon Henry Brooks, Lewis Morely, John E

Morely, Martha Levarton, H. W. Levarton, Lizzie Bailey, Smith Bailey Blair

Morely, Nattie Morely, Lizzie Brooks, Wm Brooks, Arch Brooks, Alice

Brooks, Milton Brooks, & Mollie Brooks, the last eight are infants

to appear at the Clerk's office of our Circuit Court of the County of Lee at the court-house thereof, at the

Rules to be holden for said court, on the 1st Monday in October, 1897, to answer

a bill in Chancery, exhibited against them in our court by Josh E

Morely

And have then there this writ.

Witness, A B. MUNSEY, Clerk of our said court, at the court-house, the 9th day of

September 1897, and in the 122nd year of the Commonwealth.

A. B. Munsey Clerk.

A copy—Teste:

A. B. Munsey Clerk.

SUBPŒNA  
vs. { IN CHANCERY.

P. Q.

TO \_\_\_\_\_ Ruls.

CIRCUIT COURT

*Wm. & Walter mat. fund  
this globe the 27  
N. J. Jennings  
D. S. Lawrence  
officer S. L.*



Southwest Virginian, }  
Jonesville, Va. }

# The Commonwealth of Virginia,

To the Sheriff of the County of Lee Greeting:

We command you to summon Henry Brooks, Lewis Morely, John E Morely,  
Martha Levarton, & W. Levarton, Lizzie Bailey, Smith Bailey, Blair Morely,  
Nattie Morely, Lizzie Brooks, Wm Brooks, Arch Brooks, Alice Brooks,  
Milton Brooks, & Mollie Brooks, the last eight are infants  
to appear at the Clerk's office of our Circuit Court of the County of Lee at the court-house thereof. at the  
Rules to be holden for said court, on the 15<sup>th</sup> Monday in October 1897, to answer  
a bill in Chancery, exhibited against them in our court by Josh E  
Morely.

And have then there this writ.

Witness, A B. MUNSEY, Clerk of our said court, at the court-house, the 9<sup>th</sup> day of  
September 1897, and in the 12<sup>2<sup>nd</sup></sup> year of the Commonwealth.

A copy—Teste:

A B Munsey Clerk.  
A B Munsey Clerk.

vs. { SUBPENA  
IN CHANCERY.

P. Q.

TO \_\_\_\_\_ Ruls.

CIRCUIT COURT

*Mat. & Co. v. Nat. Bank*  
*Thos. & Co. v. Thos. & Co.*  
*N.S. Jennings & Co.*  
*Appl. P. Miller & Co.*



Southwest Virginian, {  
Jonesville, Va. }

# The Commonwealth of Virginia,

To the Sheriff of the County of Lee Greeting:

We command you to summon Henry Brooks, Lewis Morely, John C. Morely,  
Martha Levarton, H. W. Levarton, Lizzie Bailey, Smith Bailey, Blair Morely,  
Nattie Morely, Lizzie Brooks, Wm. Brooks, Arch Brooks, Alice Brooks,  
Milton Brooks, & Mollie Brooks, the last eight are infants

to appear at the Clerk's office of our Circuit Court of the County of Lee at the court-house thereof, at the

Rules to be holden for said court, on the 1st Monday in October 1897, to answer

a bill in Chancery, exhibited against them in our court by Josh  
E. Morely

And have then there this writ.

Witness, A. B. MUNSEY, Clerk of our said court, at the court-house, the 9th day of  
September 1897, and in the 12<sup>th</sup> year of the Commonwealth.

A copy—Teste:

A. B. Munsey Clerk.

SUBPENA  
VS. {  
IN CHANCERY.

P. Q.

TO \_\_\_\_\_ Rul s.

CIRCUIT COURT

*Mat. Galtel not  
found this at the  
this 4. 99  
N. J. Jennings \$8  
for the P. M. to S. L.*



# The Commonwealth of Virginia,

To the Sheriff of the County of Lee Greeting:

We command you to summon *Herby Brooks, Lewis Morely, John E Morely*  
*Martha Levarton, G W Levarton, Lizzie Bailey, Smith Bailey, Blair Morely*  
*Nattie Morely, Lizzie Brooks, Wm Brooks, Arch Brooks, Alice Brooks*  
*Milton Brooks & Mollie Brooks, the last eight are infants*  
to appear at the Clerk's office of our Circuit Court of the County of Lee at the court-house thereof, at the  
Rules to be holden for said court, on the *1st* Monday in *October*, 1897, to answer  
a bill in Chancery, exhibited against *Them* in our court by *Josh E*  
*Morely*

And have then there this writ.

Witness, A B. MUNSEY, Clerk of our said court at the court-house, the *9th* day of

*September* 1897, and in the 12 *2nd* year of the Commonwealth.

A copy—Teste:

*A B Munsey* Clerk.

*A B Munsey* Clerk.

vs. { SUBPCENA  
IN CHANCERY.

P. Q.

TO Rul s.

CIRCUIT COURT

not. Ex. etc. sent, and  
this attached to the  
N S J. J. J. J. J.  
for the P. Q. Q. Q. Q.



❁ CERTIFICATE OF ORDER OF PUBLICATION. ❁

WE, A. M. Goins and W. M. Davidson, editors of the *SOUTH-WEST VIRGINIAN*, a weekly newspaper published at Jonesville, Lee county, Va., do hereby certify that the annexed notice was published in said paper once a week for four successive weeks, commencing on the

23 day of Sept 1897.

A. M. Goins  
W. M. Davidson } EDITORS.

Fee \$5.00

VIRGINIA.—In the Clerk's Office of the Circuit Court of the County of Lee on the 21st day of Sept. 1897.

Josh E. Morley, Plaintiff  
against

Henly Brooks et al. Defendants  
In Chancery.

The object of this suit is to partition or sell the lands described in the bill. And an affidavit having been made and filed that the defendants Lizzie Bailey, Smith Bailey, Henly Brooks, Martha Levarton, G. W. Levarton, Lewis Morley and John E. Morley are not residents of the State of Virginia, it is ordered that they do appear here within fifteen days after due publication hereof and do what may be necessary to protect their interest in this suit. And it is further ordered that a copy hereof be published once a week for four weeks in the *Southwest Virginian* and that a copy be posted at the front door of the courthouse of this county on the first day of the next term of the county court.

A copy—Teste;

A. B. MUNSEY, Clerk.

G. Ely, P. Q.

9-23-4t

Josh & Marley  
vs

Henry Brooks et al

Ord of Rule,

Pro Fee \$5.00

W. L. M. Jones and W. L. M. Jones  
of the County of the District of Columbia  
do hereby certify that the within and foregoing  
is a true and correct copy of the original  
as the same appears from the records of the  
County of the District of Columbia  
this 24th day of May 1882

W. L. M. Jones  
W. L. M. Jones  
\$5.00